



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

4949A Cox Road, Glen Allen, Virginia 23060

(804) 527-5020 Fax (804) 527-5106

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Michael P. Murphy
Regional Director

July 24, 2013

Viniterra Golf Club LLC
Attn: Noel B. Tuck
117 Manly Street
Suite 100
Greenville, SC 29601

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: VWP Individual Permit Number 12-1317
Viniterra Golf Course Water Withdrawal, New Kent County, Virginia
Final VWPP Individual Permit

Dear Mr. Tuck:

Pursuant to the Virginia Water Protection (VWP) Permit Program Regulation 9 VAC 25-210-10 et seq., § 401 of the Clean Water Act Amendments of 1977, and Public Law 95-217, the Department of Environmental Quality (DEQ) has enclosed the original VWP individual permit for Viniterra Golf Course Water Withdrawal.

This permit is valid for fifteen (15) years from the date of issuance. Continuation of the permit may be necessary if any portion of the authorized activities or any permit requirement, including compensatory mitigation provisions, have not been completed. The total permit term, including any extensions, cannot exceed 15 years.

To ensure that all permitted surface withdrawals are in the online reporting database VWUDS (Virginia Water User Database System) to meet the Annual Water Withdrawal Reporting requirement (9VAC25-200 et seq), please complete the attached VWUDS form. This reporting requirement is in addition to any reporting requirements in the VWP permit. Please submit completed forms to Previn D. Smith, (804) 698-4027 (previn.smith@deq.virginia.gov), who will provide you with a user name and password.

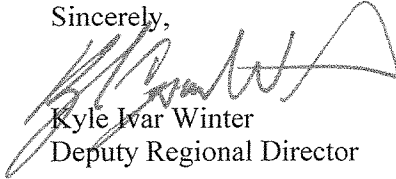
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have **30 calendar days** from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, an owner may request a formal hearing for the formal taking of evidence upon relevant fact issues under Section 2.2-4020 of the Administrative Process Act. A petition for a formal hearing must meet the requirements set forth in 9 VAC 25-230-130.B of the Virginia Administrative Code. In cases involving actions

of the board, such petition must be filed within 30 calendar days after notice of such action is sent to such owner by certified mail

If you have any questions, please contact Anthony Cario at (804) 527-5008 or anthony.cario@deq.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kyle Ivar Winter', is written over the typed name and title.

Kyle Ivar Winter
Deputy Regional Director

Enclosures: Permit Cover Page, Part I - Special Conditions, Part II - General Conditions, Attachment A, VWUDS Access Request Form

cc: Glenn Muckley, Williamsburg Environmental Group
Loretta Cummings, Williamsburg Environmental Group
Brian McGurk, DEQ

INFORMATION SHEET

OWNER - The official or legal name of the individual or corporation to whom the permit will be issued. For individuals, enter first name first without courtesy title.

FACILITY - The facility name should be the name of a physical industrial or commercial plant, the name of a water supply utility, or the name of a farm (for some agricultural users). For example, the owner McCann Packing may have two plants/facilities, Accomack Packing and Southern Shores Seafood, or the owner Accomack County may operate the facility Accomack County Water Company which maintains several small public water supply systems. In an agricultural example, the owner Eliza Bloomington may have several non-contiguous farms/facilities, Evergreen East, Evergreen West, and the Old McCoy Farm. Each facility should have a unique name and every effort should be made to reconcile the name for a single Owner with other permitting programs and is required between RO's. All names are to be spelled out if space permits and punctuation is not used.

SYSTEM - Mostly used for public utilities or water companies with permits for individual systems that have further subsystems. You may use the facility name if no other descriptor is appropriate.

WATER SOURCE - The name the Owner used to identify the source.

SUB-TYPE - the type of raw water source (RE = reservoir, SR = stream).

USE TYPE - Select from Commercial, Fossil Power, Hydro Power, Irrigation, Manufacturing, Mining, Nuclear Power, Other, Public Water Supply

INTAKE LOCATION – enter the county or city location of the water withdrawal.

LATITUDE AND LONGITUDE – the earth coordinates of the withdrawal intake (please enter in decimal degrees).

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)
VWP - WATER WITHDRAWAL REPORTING REQUEST FORM
For New VWP Permitted Facilities

OWNER NAME:

FACILITY:

SYSTEM:

System Information Verification

PRIMARY CONTACT

CONTACT NAME:

Address/PO Box:

PO Box:

City:

State and Zip:

Phone:

Contact Title:

eMail Address:

SOURCE(S)

Water Source:

Surface Water SUB-TYPE:

USE TYPE:

VWP PERMIT:

INTAKE LOCATION (County/City/Town):

LATITUDE:

LONGITUDE:

(Please enter in decimal degrees)

Water Source: Surface Water SUB-TYPE:

USE TYPE:

VWP PERMIT:

INTAKE LOCATION (County/City/Town):

LATITUDE:

LONGITUDE:

(Please enter in decimal degrees)

Water Source: Surface Water SUB-TYPE:

USE TYPE:

VWP PERMIT:

INTAKE LOCATION (County/City/Town):

LATITUDE:

LONGITUDE:

(Please enter in decimal degrees)



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

VWP Individual Permit Number 12-1317

Effective Date: July 24, 2013
Expiration Date: July 23, 2028

VIRGINIA WATER PROTECTION PERMIT
ISSUED PURSUANT TO THE STATE WATER CONTROL LAW
AND SECTION 401 OF THE CLEAN WATER ACT

Based upon an examination of the information submitted by the owner, and in compliance with §401 of the Clean Water Act as amended (33 USC 1341) and the State Water Control Law and regulations adopted pursuant thereto, the State Water Control Board (board) has determined that there is a reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The board finds that the effect of the impact, together with other existing or proposed impacts to surface waters, will not cause or contribute to a significant impairment to state waters or fish and wildlife resources.

Project Name: Viniterra Golf Club

Permittee: Viniterra Golf Club LLC

Address: 117 Manly Street, Suite 100
Greenville, SC 29601
Attn: Noel B. Tuck

Activity Location: The project is located west of Route 609 and north of Angels Share Drive in New Kent County, Virginia.

Activity Description: The permittee shall use a submersible pump with a 1 millimeter mesh screen that will be placed in Crumps Mill pond on Southern Branch to withdraw water and transfer it to an onsite irrigation pond to supplement its natural storage. The permittee is authorized to pump no more than 31 million gallons per year (MG), with a single month maximum withdrawal volume of 15.0 MG, and is limited by allowable withdrawal rates based on the flow rate of Southern Branch as indicated in the permit special conditions. The Viniterra Golf Club irrigation pond is considered exempt from water withdrawal regulations, has no water withdrawal limits, and is not subject to the Water Withdrawal Reporting Regulation 9VAC25-200-10 et seq. No fill material will be placed in State Waters associated with this project. No mitigation is required.

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions, and Part II - General Conditions.



Kyle Ivar Winter, P.E.
Deputy Regional Director

Date

24 Jan 2013

Authorized Activities and Permit Term

A. Authorized Activities

This permit authorizes the following impacts as indicated in the Joint Permit Application received by DEQ on August 28, 2012, and deemed complete by DEQ on March 28, 2013. The permit authorization and conditions are also based on additional submittals approved by DEQ.

1. The permittee is authorized to withdraw and transfer surface water from Crumps Mill Pond to the Viniterra golf course irrigation impoundment.
2. All water withdrawals authorized under this permit shall be for the sole purpose of irrigation of the golf course.
3. The permittee shall only withdraw water from Crumps Mill Pond during times when water is flowing over the pond's spillway.
4. To prevent the impingement and entrainment of fish eggs, larvae, and other aquatic life, all intake screens shall be so designed that screen openings are not larger than 1 millimeter in width and the screen face intake velocities are not greater than 0.25 feet per second.
5. The water withdrawal rates and volumes shall comply with the following limits:
 - a. The maximum *annual* withdrawal volume shall not exceed 31.0 million gallons
 - b. The maximum *monthly* withdrawal volume shall not exceed 15.0 million gallons
 - c. The surface water withdrawal from Crumps Mill pond and transfer to the Viniterra golf-course irrigation impoundment shall maintain minimum release and withdrawal rates in accordance with the table below

Previous 24-hour Instantaneous Flow Rate from Crumps Mill Pond (X) (cfs)	Required Minimum Release from Crumps Mill Pond	Allowable Withdrawal Rate
$X \leq 0.60$	Previous day's flow rate	Zero withdrawal allowed
$0.60 \leq X < 1.0$	0.54 cfs (0.35 mgd)	$X - 0.54$ cfs ($X - 0.35$ mgd)
$1.0 \leq X < 3.0$	0.75 cfs (0.48 mgd)	$X - 0.75$ cfs ($X - 0.48$ mgd)
$X \geq 3.0$	0.9 cfs (0.58 mgd)	$X - 0.90$ cfs ($X - 0.58$ mgd)

(cfs = cubic ft per second; mgd = million gallons per day)

B. Permit Term

This permit is valid for 15 years from the date of issuance. A new permit will be necessary for the continuance of the authorized activities after the permit expiration date as the permit term, including any granted extensions, shall not exceed 15 years.

Project Construction at Impact Site

C. Standard Project Conditions

1. The activities authorized by this permit shall be executed in such a manner that any impacts to stream beneficial uses are minimized. As defined in § 62.1-10(b) of the Code, "beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural, electric power generation, commercial, and industrial uses. Public water supply uses for human consumption shall be considered the highest priority.
2. No activity shall substantially disrupt the movement of aquatic life indigenous to the water body, including those species that normally migrate through the area, unless the primary purpose of the activity is to impound water
3. Flows downstream of the project area shall be maintained to protect all uses.
4. No activity shall cause more than minimal adverse effect on navigation, and no activity shall block more than half of the width of the stream at any given time.
5. The activity shall not impede the passage of normal or expected high flows, and any associated structure shall withstand expected high flows.
6. Activities shall be conducted in accordance with any Time-of-Year restriction(s) as recommended by the Department of Game and Inland Fisheries or the Virginia Marine Resources Commission. The permittee shall retain a copy of the agency correspondence concerning the Time-of-Year restriction(s), or the lack thereof, for the duration of the construction phase of the project.
7. All fill material placed in surface waters shall be clean and free of contaminants in toxic concentrations or amounts in accordance with all applicable laws and regulations.
8. Measures shall be employed at all times to prevent and contain spills of fuels, lubricants, or other pollutants into surface waters.
9. Machinery or heavy equipment in temporarily impacted wetlands shall be placed on mats or geotextile fabric, or other suitable means shall be implemented, to minimize soil disturbance to the maximum extent practical. Mats, fabrics, or other measures shall be removed as soon as the work is complete in the temporarily impacted wetland.
10. Temporary disturbances to wetlands, stream channels, and/or stream banks during project construction activities shall be avoided and minimized to the maximum extent practicable.
11. Temporary in-stream construction features such as cofferdams shall be made of non-erodible materials.
12. Virginia Water Quality Standards shall not be violated in any surface waters as a result of the project activities.

13. All required notifications and submittals shall be submitted to the DEQ office stated below, to the attention of the VWP permit manager, unless directed in writing by DEQ subsequent to the issuance of this permit:

DEQ Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060

14. All reports required by this permit and other information requested by DEQ shall be signed by the permittee or a person acting in the permittee's behalf, with the authority to bind the permittee. A person is a duly authorized representative only if *both* criteria below are met. If a representative authorization is no longer valid because of a change in responsibility for the overall operation of the facility, a new authorization shall be immediately submitted to DEQ.

- a. The authorization is made in writing by the permittee.
- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

15. All submittals shall contain the following signed certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

16. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at 1-804-527-5020. If DEQ cannot be reached, the spill shall be reported to the Virginia Department of Emergency Management (DEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802.
17. DEQ shall be notified in writing within 24 hours or as soon as possible on the next business day when potential environmentally threatening conditions are encountered which require debris removal or involve potentially toxic substances. Measures to remove the obstruction, material, or toxic substance or to change the location of any structure are prohibited until approved by DEQ. The permittee shall notify the DEQ of any modifications of the intake structure.

D. Projects Involving Surface Water Withdrawals

1. Water withdrawal rates and volumes shall comply with the limits set forth in Part I.A.
2. The permittee shall measure, monitor, and record the instantaneous flow rate downstream of Crumps Mill Pond within 24 hours prior to initiating a water withdrawal and at a minimum of

once every 24 hours during the water withdrawal in accordance with Part I.A. Instantaneous flow shall be measured using the methods and location approved in the water withdrawal operations and maintenance manual required in Part I.E.2. Each Instantaneous Flow Rate (X) measurement shall govern the Allowable Withdrawal Rate as required under Part I - Special Condition A.5 for no more than 24 consecutive hours.

3. The permittee shall measure, monitor and record withdrawals from Crumps Mill Pond on a daily basis to confirm that the withdrawals are in compliance with special conditions of this permit. The permittee shall keep a record of the dates and pumping time for the water withdrawal operations. The volume of surface water withdrawn during each pumping operation shall be recorded in cubic feet per second (cfs) and million gallons per day (mgd), along with the name of the individual reporting the data. Such data shall be recorded once per calendar day for the months of March, April, May, June, July, August, September, and October of each permit year and for any other months outside of this time period when water withdrawals occur. These records shall be retained for the life of the permit.
4. The permittee shall monitor and record the cumulative volume (million gallons) of water withdrawn each month from the Viniterra irrigation pond. The permittee shall keep a record of the dates and pumping time for the water withdrawal operations. Such data shall be recorded once per month for the months of March, April, May, June, July, August, September, and October of each permit year and for any other months outside of this time period when water withdrawals occur. These records shall be retained for the life of the permit.
5. In the event that the Governor or the Virginia Drought Coordinator declares a drought emergency in the *York-James Drought Evaluation Region*, consisting of Hampton, Newport News, James City, York, Charles City, and New Kent Counties, the permittee shall implement the mandatory conservation measures, as detailed in Attachment A of this permit. The permittee shall be responsible for determining when drought emergencies are declared. The permittee shall retain records documenting that mandatory conservation measures were implemented during declared drought emergencies
6. All records and information that result from the monitoring and reporting activities required by this permit, including any records of maintenance activities to the withdrawal system, shall be retained for the life of the permit. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or as requested by the State Water Control Board.

E. *Water Withdrawal Submittals and Reporting*

1. The permittee shall submit a signed Irrigation Easement Agreement between the owners of Viniterra Golf Course and the owner of Crumps Mill Pond that includes conditions that state that water withdrawals can only occur when the water level of the pond exceeds the water level necessary for water to begin flowing over the spillway. The permittee shall not withdrawal water prior to DEQ's approval of the signed agreement. DEQ shall be notified in writing prior to executing changes to the signed agreement that affect the withdrawal of water from the pond.
2. The permittee shall submit a water withdrawal operations and maintenance manual within 90 days after the issuance of this permit, for DEQ approval, detailing how compliance with the conditions outlined in Parts I.A and I.E shall be demonstrated. DEQ approval must be obtained

prior to withdrawing any water. The manual, at a minimum, shall include the following for each withdrawal location:

- a. A map depicting the location of all water withdrawals, including pumps, housing, and all other pertinent structures.
 - b. Close-ups photographs of the intake and release apparatuses, including details on pump rate, mesh screening and vertical/horizontal positioning within the irrigation impoundments.
 - c. Procedures on how the following measurements shall be collected, recorded, and reported:
 - (i) Instream flows;
 - (ii) Pump operational time frames and volumes;
 - (iii) Frequency of monitoring and recordation; and
 - d. The manual shall state that all measurements include the date and time of documentation and person's name recording and operating the pump.
 - e. Procedure on how the prior 24 hour period instantaneous flows into Southern Branch will be calculated.
 - f. Documentation confirming and describing what mandatory conservation measures were implemented in accordance with Part I – Special Condition E.5.
3. The recorded data shall be retained for the life of the permit and made available to DEQ upon request.
4. The permittee shall notify DEQ within 24 hours of discovery of any actual or suspected noncompliance with any requirement(s) of Parts I.A or E. The permittee shall submit a written report within 5 days of the incident summarizing the dates and details of the non-compliance.
5. The permittee shall report all authorized surface water withdrawals to DEQ- Piedmont Regional Office and the DEQ - Office of Water Supply at P.O. Box 1105, Richmond, Virginia, 23218 by January 31st of the year following the year in which the withdrawals occurred. Reporting surface water withdrawals in accordance with the conditions of this permit satisfies the reporting requirement for Water Withdrawal Reporting Regulation 9VAC25-200-10 et seq. The annual monitoring report shall contain the following information:
- a. The permittee's name and address;
 - b. The permit number;
 - c. The source (s) from which water is withdrawn;
 - d. The location (latitude and longitude) of each point of water withdrawal;
 - e. The cumulative volume (million gallons) of water withdrawn each month of the calendar year;
 - f. The largest single day withdrawal volume (million gallons) that occurred in the year and the month in which it occurred; and
 - g. The method of measuring each withdrawal.

Part II – General Conditions

A. *Duty to Comply*

The permittee shall comply with all conditions of the VWP permit. Nothing in the VWP permit regulations shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations and prohibitions. Any VWP permit violation is a violation of the law, and is grounds for enforcement action, VWP permit termination, revocation, modification, or denial of an application for a VWP permit extension or reissuance.

B. *Duty to Cease or Confine Activity*

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit.

C. *Duty to Mitigate*

The permittee shall take all reasonable steps to minimize or prevent any impacts in violation of the permit which may have a reasonable likelihood of adversely affecting human health or the environment.

D. *VWP Permit Action*

1. A VWP permit may be modified, revoked and reissued, or terminated as set forth in 9 VAC 25-210 et seq.
2. If a permittee files a request for VWP permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the VWP permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VWP permit. If the permittee wishes to continue an activity regulated by the VWP permit after the expiration date of the VWP permit, the permittee must apply for and obtain a new VWP permit or comply with the provisions of 9 VAC 25-210-185 (VWP Permit Extension).
3. VWP permits may be modified, revoked and reissued or terminated upon the request of the permittee or other person at the board's discretion, or upon board initiative to reflect the requirements of any changes in the statutes or regulations, or as a result of VWP permit noncompliance as indicated in the Duty to Comply subsection above, or for other reasons listed in 9 VAC 25-210-180 (Rules for Modification, Revocation and Reissuance, and Termination of VWP permits).

E. *Inspection and Entry*

Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit, and

3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

F. Duty to Provide Information

1. The permittee shall furnish to the board any information which the board may request to determine whether cause exists for modifying, revoking, reissuing or terminating the VWP permit, or to determine compliance with the VWP permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.
2. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as required by the board prior to commencing construction.

G. Monitoring and Records Requirements

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the VWP permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of the expiration of a granted VWP permit. This period may be extended by request of the board at any time.
4. Records of monitoring information shall include:
 - a. The date, exact place and time of sampling or measurements;
 - b. The name of the individuals who performed the sampling or measurements;
 - c. The date and time the analyses were performed;
 - d. The name of the individuals who performed the analyses;
 - e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
 - f. The results of such analyses; and
 - g. Chain of custody documentation.

H. Transferability

This VWP permit may be transferred to a new permittee only by modification to reflect the transfer, by revoking and reissuing the permit, or by automatic transfer. Automatic transfer to a new permittee shall occur if:

1. The current permittee notifies the board within 30 days of the proposed transfer of the title to the facility or property;
2. The notice to the board includes a written agreement between the existing and proposed permittee containing a specific date of transfer of VWP permit responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity; and
3. The board does not within the 30-day time period notify the existing permittee and the new permittee of its intent to modify or revoke and reissue the VWP permit.

I. Property rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize injury to private property or any invasion of personal rights or any infringement of federal, state or local law or regulation.

J. Reopener

Each VWP permit shall have a condition allowing the reopening of the VWP permit for the purpose of modifying the conditions of the VWP permit to meet new regulatory standards duly adopted by the board. Cause for reopening VWP permits includes, but is not limited to when the circumstances on which the previous VWP permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the VWP permit was issued and thereby constitute cause for VWP permit modification or revocation and reissuance.

K. Compliance with State and Federal Law

Compliance with this VWP permit constitutes compliance with the VWP permit requirements of the State Water Control Law. Nothing in this VWP permit shall be construed to preclude the institution of any legal action under or relieve the permittee from any responsibilities, liabilities, or other penalties established pursuant to any other state law or regulation or under the authority preserved by § 510 of the Clean Water Act.

L. Severability

The provisions of this VWP permit are severable.

M. Permit Modification

A VWP permit may be modified, but not revoked and reissued except when the permittee agrees or requests, when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity which require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;
2. When new information becomes available about the operation or activity covered by the VWP permit which was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
3. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Act;
5. When changes occur which are subject to "reopener clauses" in the VWP permit; or
6. When the board determines that minimum instream flow levels resulting from the permittee's withdrawal of water are detrimental to the instream beneficial use and the withdrawal of water should be subject to further net limitations or when an area is declared a Surface Water Management Area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.

N. *Permit Termination*

After notice and opportunity for a formal hearing pursuant to Procedural Rule No. 1 (9 VAC 25-230-100) a VWP permit can be terminated for cause. Causes for termination are as follows:

1. Noncompliance by the permittee with any condition of the VWP permit;
2. The permittee's failure in the application or during the VWP permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;
3. The permittee's violation of a special or judicial order;
4. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and
6. A determination that the permitted activity has ceased and that the compensatory mitigation for unavoidable adverse impacts has been successfully completed.

O. *Civil and Criminal Liability*

Nothing in this VWP permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. *Oil and Hazardous Substance Liability*

Nothing in this VWP permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. *Unauthorized Discharge of Pollutants*

Except in compliance with this VWP permit, it shall be unlawful for the permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
2. Excavate in a wetland;
3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, to animal or aquatic life, to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses.
4. On or after October 1, 2001 conduct the following activities in a wetland:
 - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions
 - b. Filling or dumping
 - c. Permanent flooding or impounding
 - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions.

R. *Permit Extension*

1. Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit, shall submit written notification request if an extension. The permittee must file the request prior to the expiration date of the VWP permit. Under no circumstances will the extension be granted for more than 15 years beyond the original effective date of the VWP permit. If the request for extension is denied, the VWP permit will still expire on its original date and, therefore, care should be taken to allow for sufficient time for the board to evaluate the extension request and to process a full VWP permit modification, if required.

Attachment A – Water Conservation

Mandatory Non-essential Water Use Restrictions

The following non-essential water uses will be prohibited during periods of declared drought emergencies. Please note the exceptions that follow each prohibited use. These prohibitions and exceptions will apply to uses from all sources of water and will only be effective when the Governor of Virginia or the Virginia Drought coordinator declares a Drought Emergency. Water use restrictions shall not apply to the agricultural production of food or fiber, the maintenance of livestock including poultry, nor the commercial production of plant materials, *provided that best management practices are applied to assure the minimum amount of water is utilized.*

1. *Unrestricted irrigation of lawns is prohibited.*

- Newly sodded and seeded areas may be irrigated to establish cover on bare ground at the minimum rate necessary for no more than a period of 60 days. Irrigation rates may not exceed one inch of applied water in any 7-day period.
- Gardens, bedding plants, trees, shrubs and other landscape materials may be watered with hand held containers, hand held hoses equipped with an automatic shutoff device, sprinklers or other automated watering devices at the minimum rate necessary but in no case more frequently than twice per week. Irrigation should not occur during the heat of the day.
- All allowed lawn irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
- Irrigation systems may be tested after installation, routine maintenance or repair for no more than ten minutes per zone.

2. *Unrestricted irrigation of golf courses is prohibited.*

- Tees and greens may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary.
- Localized dry areas may be irrigated with a hand held container or hand held hose equipped with an automatic shutoff device at the minimum rate necessary.
- Greens may be cooled by syringing or by the application of water with a hand held hose equipped with an automatic shutoff device at the minimum rate necessary.
- Fairways may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary not to exceed one inch of applied water in any ten-day period.
- Fairways, tees and greens may be irrigated during necessary overseeding or resodding operations in September and October at the minimum rate necessary. Irrigation rates during this restoration period may not exceed one inch of applied water in any seven-day period.

- Newly constructed fairways, tees and greens and areas that are re-established by sprigging or sodding may be irrigated at the minimum rate necessary not to exceed one inch of applied water in any seven-day period for a total period that does not exceed 60 days.
- Fairways, tees and greens may be irrigated without regard to the restrictions listed above so long as:
 - The only water sources utilized are water features whose primary purpose is stormwater management;
 - Any water features utilized do not impound permanent streams;
 - During declared Drought Emergencies these water features receive no recharge from other water sources such as ground water wells, surface water intakes, or sources of public water supply; and,
 - All irrigation occurs between 9:00 p.m. and 10:00 a.m.
- All allowed golf course irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
- Rough areas may not be irrigated.

3. ***Unrestricted irrigation of athletic fields is prohibited.***

- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at a rate not to exceed one inch per application or more than a total of one inch in multiple applications during any ten-day period. All irrigation water must fall on playing surfaces with no outlying areas receiving irrigation water directly from irrigation heads.
- Localized dry areas that show signs of drought stress and wilt (curled leaves, foot-printing, purpling) may be syringed by the application of water for a cumulative time not to exceed fifteen minutes during any twenty four hour period. Syringing may be accomplished with an automated irrigation system or with a hand held hose equipped with an automatic shutoff device at the minimum rate necessary.
- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. during necessary overseeding, sprigging or resodding operations at the minimum rate necessary for a period that does not exceed 60 days. Irrigation rates during this restoration period may not exceed one inch of applied water in any seven-day period. Syringing is permitted during signs of drought stress and wilt (curled leaves, foot-printing, purpling).
- All allowed athletic field irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
- Irrigation is prohibited on athletic fields that are not scheduled for use within the next 120-day period.

- Water may be used for the daily maintenance of pitching mounds, home plate areas and base areas with the use of hand held containers or hand held hoses equipped with an automatic shutoff device at the minimum rate necessary.
 - Skinned infield areas may utilize water to control dust and improve playing surface conditions utilizing hand held containers or hand held hoses equipped with an automatic shutoff device at the minimum rate necessary no earlier than two hours prior to official game time.
4. ***Washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts, and patios is prohibited.***
- Driveways and roadways may be pre-washed in preparation for recoating and sealing.
 - Tennis courts composed of clay or similar materials may be wetted by means of a hand-held hose equipped with an automatic shutoff device at the minimum rate necessary for maintenance. Automatic wetting systems may be used between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary.
 - Public eating and drinking areas may be washed using the minimum amount of water required to assure sanitation and public health.
 - Water may be used at the minimum rate necessary to maintain effective dust control during the construction of highways and roads.
5. ***Use of water for washing or cleaning of mobile equipment including automobiles, trucks, trailers and boats is prohibited.***
- Mobile equipment may be washed using hand held containers or hand held hoses equipped with automatic shutoff devices provided that no mobile equipment is washed more than once per calendar month and the minimum amount of water is utilized.
 - Construction, emergency or public transportation vehicles may be washed as necessary to preserve the proper functioning and safe operation of the vehicle.
 - Mobile equipment may be washed at car washes that utilize reclaimed water as part of the wash process or reduce water consumption by at least 10% when compared to a similar period when water use restrictions were not in effect.
 - Automobile dealers may wash cars that are in inventory no more than once per week utilizing hand held containers and hoses equipped with automatic shutoff devices, automated equipment that utilizes reclaimed water as part of the wash process, or automated equipment where water consumption is reduced by at least 10% when compared to a similar period when water use restrictions were not in effect.
 - Automobile rental agencies may wash cars no more than once per week utilizing hand held containers and hoses equipped with automatic shutoff devices, automated equipment that utilizes reclaimed water as part of the wash process, or automated equipment where water consumption is reduced by at least 10% when compared to a similar period when water use restrictions were not in effect.

- Marine engines may be flushed with water for a period that does not exceed 5 minutes after each use.

6. ***Use of water for the operation of ornamental fountains, artificial waterfalls, misting machines, and reflecting pools is prohibited.***

- Fountains and other means of aeration necessary to support aquatic life are permitted.

7. ***Use of water to fill and top off outdoor swimming pools is prohibited.***

- Newly built or repaired pools may be filled to protect their structural integrity.
- Outdoor pools operated by commercial ventures, community associations, recreation associations, and similar institutions open to the public may be refilled as long as:
 - Levels are maintained at mid-skimmer depth or lower;
 - Any visible leaks are immediately repaired;
 - Backwashing occurs only when necessary to assure proper filter operation;
 - Deck areas are washed no more than once per calendar month (except where chemical spills or other health hazards occur);
 - All water features (other than slides) that increase losses due to evaporation are eliminated; and
 - Slides are turned off when the pool is not in operation.
- Swimming pools operated by health care facilities used in relation to patient care and rehabilitation may be filled or topped off.
- Indoor pools may be filled or topped off.
- Residential swimming pools may be filled only to protect structural integrity, public welfare, safety and health and may not be filled to allow the continued operation of such pools.

8. ***Water may be served in restaurants, clubs, or eating-places only at the request of customers.***